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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,493	08/30/2006	Wilhelm Korthals	3826 1067US	9977

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DREISS, FUHLENDORF, STEIMLE & BECKER
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GERMANY

EXAMINER

PIHULIC, DANIEL T

ART UNIT	PAPER NUMBER
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3662

MAIL DATE	DELIVERY MODE
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08/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,493	Applicant(s) KORTHALS ET AL.	
	Examiner Dan Pihulic	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20030207</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. Claims 18 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "dark color" in claim 18 is a relative term which renders the claim indefinite. The phrase "dark color" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 21, does not appear to recite any further limitations to parent claim 12 and it is not clear whether applicants are still claiming a sensor including a housing as recited in parent claim 12 or just a housing.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP1202249 in combination with US20060052491. The EP1202249 reference discloses the utilization of a sensor for a short range detection or parking assistance system (see the abstract) in a vehicle, the

sensor comprising: a pot-shaped housing (see figure 2) having a floor configured as a vibration membrane (2 or 12); and dimensioned to permit adequate vibration performance of said membrane as recited in the claims. The difference between the EP1202249 reference and claim 12 is that the claim recites the utilization of a weather resistant, paintable powder coating disposed on at least an outer side of said housing . The US20060052491 reference teaches that it was well known in the art to utilize a weather resistant, paintable powder coating (see paragraph 0344) in an automobile environment (see paragraph 0401). It would have been obvious to modify the EP1202249 reference to utilize a weather resistant, paintable powder coating as motivated by the US20060052491 reference to enable the EP1202249 system to protect the device from UV or to provide a pigmented top coat.

With regards to claim 13, the EP1202249 reference discloses the utilization of an ultrasound sensor (see the abstract).

With regards to claim 14, the EP1202249 reference discloses the utilization of a metallic housing (see paragraph 0044).

With regards to claims 15, 22, and 24-26, the US20060052491 reference discloses the utilization of a paintable powder coating as a top coat (see paragraph 0401).

With regards to claim 16, the EP1202249 reference discloses the utilization of an aluminum housing (see paragraph 0044).

With regards to claim 17, the US20060052491 reference discloses the utilization of a acrylic, polyester, and epoxy (see paragraph 0348).

With regards to claims 18 and 19, the US20060052491 reference discloses the utilization of a pigmented coating (see paragraph 0401).

With regards to claims 20 and 23, the US20060052491 reference discloses the utilization of the powdered coating as an undercoating (see paragraph 0401).

With regards to claim 21, the EP1202249 reference discloses the utilization of a housing (see paragraph 0044).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Tuesday through Thursday and every other Monday and Friday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number 800-786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

**/Dan Pihulic/
Primary Examiner, Art Unit 3662**